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CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
AUGUST 4, 1976

[ A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, August 4, 1976 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - KATNICH, KATZAKIAN,  
PINKERTON and HUGHES (Mayor)

Absent: Councilman - EHRHARDT

Also Present: City Manager Graves, Assistant City Manager Glenn, Public Works Director Ronsko, Assistant Planner Freitas, City Attorney Mullen, and City Clerk Reimche.

INVOCATION

The invocation was given by Reverend Robert W. Matthews, St. Paul's Lutheran Church.

PLEDGE

Mayor Hughes led the Pledge of Allegiance to the flag.

PUBLIC HEARINGS

[ Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Hughes called for the public hearing to consider the City Planning Commission's recommendation for approval of the request of H & M Builders by Mr. Marvin Wiebe to amend Planned Development District No. 10 (P-D (10)) so as to make the Vineyard Subdivision, Unit No. 3 at the Northeast corner of South Hutchins Street and West Harney Lane conform to R-2, Single-Family Residential zoning with 95 single-family lots and 17 duplex parcels.

Councilman Katzakian asked to abstain from discussion and voting on this matter, inasmuch as his company handled the sale of this property to Mr. Wiebe.

REQUEST TO  
AMEND P-D 10

Assistant Planner Freitas introduced the matter. A diagram of the subject area was presented for Council's scrutiny, and the recommendation was outlined by Staff.

Mr. Terry Piazza, 221 W. Oak Street, Lodi spoke in support of the proposed amendment to Planned Development District No. 10.

[ There being no other persons in the audience wishing to speak either in favor of or in opposition to the matter, the public portion of the hearing was closed.

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ORD. NO.  
1084 INTRO.

Following discussion, Councilman Pinkerton moved introduction of Ordinance No. 1084 amending Planned Development District No. 10 (P-D (10)) so as to make the Vineyard Subdivision, Unit No. 3 at the Northeast corner of South Hutchins Street and West Harney Lane conform to R-2 Single-Family Residential zoning with 95 single-family lots and 17 duplex parcels.

The motion was seconded by Councilman Katnich and carried by the following vote:

Ayes: Councilmen - KATNICH, PINKERTON, and HUGHES

Noes: Councilmen - None

Abstain: Councilman - KATZAKIAN

Absent: Councilman - EHRHARDT

APPEAL RE  
VINEYARD SUBD. #3  
DECORATIVE WALL

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Hughes called for the Public Hearing to consider the appeal of Mr. Marvin Wiebe, Developer of the Vineyard Subdivision No. 3 concerning the construction on Harney Lane between Banyon Drive and the Southern Pacific Railroad right-of-way of a decorative wall.

Councilman Katzakian also asked to abstain from the discussion and voting on this matter, as his company handled the sale of this property to Mr. Wiebe.

Public Works Director Ronsko introduced the matter apprising the Council that one of the conditions set forth by the Planning Commission of the Tentative Map for Vineyard Subdivision No. 3 was that a decorative wall be installed as outlined on the precise plan for Harney Lane and that the wall be continued from Banyon Drive all the way to the Southern Pacific Railroad Tracks. Mr. Ronsko further stated that the type of fencing Staff has recommended for the area has slumpstone pilasters at regular intervals with 2" x 2" grape stake-type slats and would be a reverse frontage type fence. Mr. Ronsko expressed concern regarding the difficulties property owners have in making repairs to chain link-type fences; and also that because this fence would be located in the area of a major street, it should be a type of fencing that would hold up.

Mr. Terry Piazza, 221 W. Oak Street, Lodi, representing Mr. Wiebe, Developer of the Vineyard Subdivision, Unit #3, apprised the Council that their firm estimates that the Hutchins Street style fence would cost approximately twice the amount a chain link fence would cost, and for this reason they are requesting that they be allowed to install a chain link fence with redwood slats as had been allowed in the previously approved tentative map for this Subdivision.

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APPEAL RE  
DECORATIVE  
WALL VINEYARD  
SUBD. #3  
(Continued)

There being no other persons in the audience wishing to speak either in favor of or in opposition to the appeal, the public portion of the hearing was closed.

Following a lengthy discussion, with questions being directed to Staff and to Mr. Piazza, on motion of Councilman Katnich, Pinkerton second, the matter was continued to a date uncertain to allow Council time to look at various types of fencing throughout the City, by the following vote.

Ayes: Councilmen - KATNICH, PINKERTON, HUGHES

Noes: Councilmen - None

Abstain: Councilman - KATZAKIAN

Absent: Councilman - EHRHARDT

PLANNING  
COMMISSION

The City Manager gave the following report of the Planning Commission meeting of July 26, 1976:

ITEMS OF  
INTEREST

The Planning Commission -

1. Conditionally approved the request of Mr. James L. Ficklin, Jr. for a Use Permit to establish a family recreation center (i.e., coin-operated devices) at 16 West Pine Street (formerly Mann's Pharmacy) in an area zoned C-2, General Commercial.
2. Approved the recommendation of Chairperson Margaret Talbot to reappoint Mr. Donald P. Kundert and to appoint Mr. A. Roger Stafford to the Site Plan and Architectural Review Committee.
3. Approved the request of Mr. Harry Dale for a Variance to make a small bedroom addition to an alley house on a lot measuring 25 feet by 50 feet at 508 1/2 Hilborn Street in an area zoned R-MD, Medium Density Multiple Family Residential.
4. Recommended the conditional approval to the San Joaquin County Board of Zoning Adjustment of the request of Sanitary City and Transhaul, Inc. by Mr. Ed De Benedetti for a Use Permit to establish an executive-type golf course on the south side of the Mokelumne River at the north end of Cluff Road in an area zoned I-PA, Interim-Protective Agriculture.
5. Elected Commissioner Avery T. Gassin, Chairman, and Commissioner Eugene L. Larkin, Vice Chairman for the fiscal year 1976-77.

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A presentation was made by San Joaquin County Supervisor George Barber regarding the area north of the Mokelumne River. Supervisor Barber apprised the Council that the County had recently adopted a County General Plan and consequently various parts of the County will be rezoned to conform with the new General Plan and that the area north of the river is due to come up at a meeting on August 19, 1976. Council was advised that at the time the General Plan was adopted that this particular area was designated as an "Agricultural" zoning.

PROPOSED  
RECLASSIFICATION  
OF PROPERTY  
NORTH OF  
MOKELUMNE RIVER

PRESENTATION BY  
SUPERVISOR  
BARBER

Copies of the San Joaquin County Planning Department Staff Report entitled - "Reclassification Petition No. Z-76-44 of San Joaquin County Planning Commission/ Lodi-North, to reclassify property now classified as RA-15, EA-5, I-PA and GA-20 to GA-10, GA-20 or GA-40 and to reclassify property now classified as EA-1/AP to EA-10/AP, generally bound by Woodbridge Road on the north, State Highway 99 on the east, Mokelumne River on the south and Lower Sacramento Road on the west, north of Lodi", was presented by Supervisor Barber for Council's perusal, with an invitation being extended for Council input.

Supervisor Barber also spoke to the subject of AB 15.

Discussion followed with questions being directed to Supervisor Barber by the Council and Staff, which questions also included the subject of the proposed "Joint Powers Agreement" on Storm Drainage Fees.

Supervisor Barber expressed his appreciation for the opportunity to address the Council and stated that from time to time in the future, he would like to appear before the Council on items of mutual interest. The City Council, in turn, expressed its appreciation to Mr. Barber.

City Manager Graves introduced Agenda item entitled - "Presentation on Controlled Growth - Bonnie Meyer".

PRESENTATION RE  
CONTROLLED  
GROWTH

A Staff presentation on Residential Growth Statistics - City of Lodi was presented by Assistant Planner Gregory Freitas. Questions regarding the presentation were directed by Council to Staff.

The following persons who were in the audience spoke to the topic:

- a) Raymond Loftus, 616 N. School, Lodi
- b) Robert Engelson, 301 N. Crescent, Lodi
- c) Ms. M. Gritsch, 821 E. Turner Road, Lodi
- d) Beryl Georguson, 2223 W. Cochran Road, Lodi
- e) Nancy Engelson, 301 N. Crescent, Lodi

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PRESENTATION RE  
CONTROLLED  
GROWTH  
(Continued)

A presentation was then made by Mrs. Bonnie Meyer who complimented Council and the City Staff for past efforts to achieve quality growth for Lodi by tying growth to services and further stated that now is the time to establish concrete guidelines to insure that future growth is based on need. Mrs. Meyer added that the information presented here by Staff is really a first step. The need has been estimated - housing for approximately 44,000 people by the year 2,000. Now it is the City Council's responsibility, according to Mrs. Meyer, to establish some guarantees that Lodi will grow according to this need and establish an official stance on quality control and rate of growth. Mrs. Meyer then asked that the Council give themselves and the Staff the tools to accomplish steady, reasonable, controlled growth and outlined four steps toward attaining that goal:

- 1) Adopt a phasing plan (possibly based on ponding basins) that will utilize rational land use principals.
- 2) Review and adopt a rate of growth that is financially feasible and based on the estimated need.
- 3) Review the present ordinance on apartment zoning and upgrade the standards in an attempt to intergrate growth into existing community characteristics.
- 4) Enlarge the scope of the Site Plan and Architectural Review Committee to include all new apartment complexes

Mrs. Meyer concluded her remarks by stating that she feels "we" need a plan and that the plan is needed now. Mrs. Meyer added that she feels that the information presented by Staff entitled - "Approved Subdivision Maps Not Yet Built or Completed" shows a buildout of plans that are already approved and would take "us" to the year 1985. Mrs. Meyer stated that this really brings home the fact that guidelines are needed.

Council discussion followed with questions regarding the presentation being directed to Mrs. Meyer.

Mayor Hughes expressed appreciation to Mrs. Meyer for her presentation and stated that the data presented by the Planning Department will be very helpful to the Council and that certainly all points raised by Mrs. Meyer will be taken into account in an effort to develop some sort of policy that will meet not only needs of our present citizens, but also those of future residents.

Additional discussion followed, with the following persons who were in the audience, commenting to the subject:

- a) Dr. Frank Johnson, 402 W. Elm Street, Lodi
- b) Gene Larkin, Member of the Lodi Planning Commission
- c) Margaret Talbot, Member of the Lodi Planning Commission
- d) Glen Baumbach, 221 W. Oak Street, Lodi

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PRESENTATION RE  
CONTROLLED  
GROWTH  
(Continued)

- e) John Ferraiolo, 2710 Tejon, Lodi
- f) Lynn Victor, 120 N. California, Lodi
- g) Ione Taunton, 1020 Kirkwood Drive, Lodi
- h) John Lagno, 321 N. California Street, Lodi
- i) Terry Piazza, 221 W. Oak Street, Lodi
- j) Ron Thomas, 730 Maplewood Drive, Lodi

Mayor Hughes concluded the discussion by complimenting the Staff and the Planning Commission and by extending an invitation to "all" to participate in any development that comes before the Council or Planning Commission so that input can be made on a specific development and not just "talk" in generalities. Mayor Hughes also stated that the City will continue to monitor and evaluate what other cities are doing in this area.

RECESS

At 11:15 p.m., Mayor Hughes declared a five minute recess, and the Council reconvened at 11:20 p.m.

Mr. Gene Dillow, 5100 N. 99 Highway, Lodi and Mr. Charles Johnson, 413 Poplar, Lodi addressed the Council complaining of police involvement in the strike that is currently underway at the Lodi Iron Works.

COMPLAINTS RE  
POLICE DEPARTMENT  
IN DEALING WITH  
STRIKE SITUATION  
AT LODI IRON WORKS

Mr. Dillow complained that when the law comes down and is used as an intricate part of the strike breaking procedure, he feels it is time the matter is locked into. Mr. Dillow further related that the police daily usher "scab" workers in and out of the plant, but that "nobody" is taking care of the striking employees.

Mayor Hughes responded that the City is not taking sides at all in the strike; however, it is the responsibility of the City to see that people are protected.

City Manager Graves stated that the police are there merely to give everyone their rights and that whenever there is a strike people are entitled to ingress and egress to their property, and it is the duty of the police department to protect that right. Mr. Graves invited Mr. Dillow and Mr. Johnson to come to see him if they had any specific problems so that they could be straightened out. Mayor Hughes reiterated City Manager Graves' invitation and further stated that if any examples of favoritism by the police are witnessed, they should be reported to the City Manager, apprising him of the specifics.

Mr. Johnson stated that he feels the police should act if a crime is committed, but up until a crime is committed, they are stepping out of line in coming in.

City Manager Graves stressed that the offer he made was a sincere one - that if Mr. Dillow or Mr. Johnson feel their rights are not being protected, they should come in and apprise him.

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REPORTS OF THE  
CITY MANAGER

In accordance with the reports and recommendations of the City Manager, the following actions hereby set forth between asterisks were approved by Council on motion of Councilman Katnich, Pinkerton second.

CONSENT CALENDAR

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CLAIMS

Claims were approved in the amount of \$2,302,006.90.

ACQUISITION OF  
PROPERTY LOCATED  
AT 3861 E.  
ALMOND DR.  
APPRVD.

City Manager Graves presented for Council approval an Agreement between Richard and Edith Neuharth and the City of Lodi covering the acquisition by the City of property located at 3861 E. Almond Drive, Lodi.

COUNCIL APPROVED AGREEMENT BETWEEN RICHARD AND EDITH NEUHARTH AND THE CITY OF LODI COVERING ACQUISITION OF PROPERTY BY THE CITY LOCATED AT 3861 E. ALMOND DRIVE, LODI AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

ACQUISITION OF  
PROPERTY LOCATED  
AT 300 S. SUNSET  
DRIVE APPRVD.

City Manager Graves presented for Council approval an Agreement between Webster Tyson, Jane Tyson, and Judith E. Tyson and the City of Lodi covering the acquisition by the City of property located at 300 South Sunset, Lodi, California.

COUNCIL APPROVED AGREEMENT BETWEEN WEBSTER TYSON, JANE TYSON, AND JUDITH E. TYSON AND THE CITY OF LODI COVERING ACQUISITION OF PROPERTY BY THE CITY LOCATED AT 300 SOUTH SUNSET DRIVE, LODI AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

AGREEMENT -  
SAN JOAQUIN CTY  
SAFETY COUNCIL  
RES, NO. 4242

City Manager Graves reported that each year the City enters into an Agreement for a safety services contract for various accident prevention programs with the San Joaquin County Safety Council. Mr. Graves requested Council to authorize the Mayor to execute the agreement for these services in the amount of \$1600.00, which funds were approved in the 1976-77 budget.

RESOLUTION NO. 4242

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT BETWEEN THE SAN JOAQUIN COUNTY SAFETY COUNCIL AND THE CITY OF LODI FOR VARIOUS ACCIDENT PREVENTION PROGRAMS FOR FISCAL YEAR 1976-77 IN THE AMOUNT OF \$1600.00.

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SPECS FOR  
UTILITY LINE  
TRUCK APPRVD.

Specifications for a hydraulically operated digger/derrick line truck for the Utility Department were presented by City Manager Graves for Council's scrutiny.

Councilman Katnich moved that the specification for the Utility Line Truck be approved and that the Purchasing Agent be authorized to advertise for bids thereon. The motion was seconded by Councilman Katzakian and carried.

PLANS & SPECS  
FOR "HAM LANE  
MEDIAN, PORT  
CHELSEA CIRCLE  
TO ARUNDEL COURT  
APPROVED

City Manager Graves presented the plans and specifications for "Ham Lane Median, Port Chelsea Circle to Arundel Court" for Council approval. Mr. Graves apprised the Council that in general the work consists of constructing approximately 450 lineal feet of raised median to be situated within the English Oaks Manor, Unit No. 2 subdivision presently under construction. It was noted that on June 16, 1976 the City Council had approved this project as part of the claims for Transportation Development Act (SB 325) funds.

On motion of Councilman Katnich, Katzakian second, Council approved the plans and specifications for "Ham Lane Median, Port Chelsea Circle to Arundel Court" and authorized the City Clerk to advertise for bids thereon by the following vote:

Ayes: Councilmen - KATNICH, KATZAKIAN, and  
HUGHES

Noes: Councilman - PINKERTON

Absent: Councilman - EHRHARDT

PLANS & SPECS  
FOR "VINE STR.  
STORM DRAIN  
700' E. OF LWR.  
SACTO. RD.  
APPROVED

Plans and specifications for the "Vine Street Storm Drain, 700' east of Lower Sacramento Road, 300' South of Vine Street to Vine Street" were presented by City Manager Graves for Council's perusal. Mr. Graves apprised the Council that in general the work consists of furnishing and installing approximately 206 lineal feet of 36 inch storm drain pipe and 14 lineal feet of 30-inch storm drain pipe. The storm drain has been designed by Siegfried & Associates as part of the engineering plans for the Vine Street temporary storm drain basin and is part of the Master Drainage System providing drainage service to the area between Lower Sacramento Road and the Woodbridge Irrigation District Canal. It will tie into the Vine Street temporary storm drain basin and in the future will be extended to the G Basin to be situated near Kettleman Lane.

Discussion followed with questions being directed to Staff. Councilman Katzakian then moved that Council approve the plans and specifications for "Vine Street Storm Drain, 700' East of Lower Sacramento Road, 300' South of Vine Street to Vine Street" and that the City Clerk be authorized to advertise for bids thereon. The motion was seconded by Councilman Pinkerton and carried.



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PLANS & SPECS  
FOR "ELM ST.  
CURB, GUTTER,  
& SIDEWALK  
REPLACEMENT"  
APPROVED

The City Manager presented the plans and specifications for "Elm Street Curb, Gutter and Sidewalk Replacement, Central Avenue to Garfield Street", advising that work in general consists of removing and replacing approximately 1000 lineal feet of curb and gutter and 2000 square feet of sidewalk.

Council discussion followed with questions regarding the matter being addressed to Staff.

On motion of Councilman Katzakian, Katnich second, Council approved the plans and specifications for "Elm Street Curb, Gutter and Sidewalk Replacement, Central Avenue to Garfield Street" and authorized the City Clerk to advertise for bids thereon.

The City Manager presented to the Council the revised proposed 1976-77 San Joaquin County Council of Government's budget for Council's perusal. This budget is submitted to the Council in conformity with the provisions of the Joint Power Agreement under which the COG was formed.

PROPOSED COG  
1976-77 BUDGET  
RATIFIED

Discussion followed with Council questioning the amount of \$11,469 listed under Account No. 0191 Retirement - Transportation Planning Budget.

Councilman Pinkerton then moved that Council ratify the revised proposed 1976-77 San Joaquin County Council of Government's budget as submitted requesting, however, for a clarification of the \$11,469 figure listed under Account No. 0191 Retirement - Transportation Planning Budget. The motion was seconded by Councilman Katnich and carried.

WELLSWOOD AVE.  
ST. LT. DISTRICT

A petition was presented for installation of street lights on Wellswood Avenue between Mission Street and Vine Street. The petition was certified by the City Clerk to contain signatures of owners of more than 60% of the property described in the petition. The petitioners waived the investigation provided for by the "Special Assessment, Investigation, Limitation and Majority Protest Act of 1931" in connection with the installation. Plans and specifications for the proposed district were also presented for Council approval by City Manager Graves.

RES. NO. 4240

On motion of Councilman Katnich, Katzakian second, the Council adopted Resolution No. 4240 adopting the plans and specifications for the Wellswood Avenue Street Lighting District.

RES. NO. 4241

On motion of Councilman Katnich, Katzakian second, Council adopted Resolution No. 4241 stating the Council's intention to form the Wellswood Avenue Street Lighting District and setting the hearing thereon for September 1, 1976.

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City Manager Graves presented proposals which had been received from various Auditing Firms to conduct the audit of the financial statement of the City of Lodi for the fiscal year ended June 30, 1976 as follows:

Blomberg & Bott	\$5,000
Elmer Fox & Company	\$6,000
Ernst and Ernst	\$8,000
Peat, Marwick, Mitchell & Co.	\$7,800

Additional information regarding the proposals was given to the Council by City Manager Graves. Council discussion followed with questions regarding the matter being directed to Staff. Councilman Katzakian then moved that the City retain the firm of Elmer Fox and Company to conduct the annual audit for the City of Lodi for the fiscal year ended June 30, 1976. The motion was seconded by Councilman Katnich and failed to pass by the following vote:

ACTION  
DEFERRED ON  
RETAINING  
AUDITOR FOR  
ANNUAL AUDIT

Ayes: Councilmen - KATNICH and KATZAKIAN

Noes: Councilmen - PINKERTON and HUGHES

Absent: Councilman - EHRHARDT

Further discussion followed. At the request of Mayor Hughes and with Council's concurrence, action was deferred on the matter to allow time to interview the auditor from the firm of Blomberg & Bott who would be conducting the City's audit should that firm be retained to conduct the annual audit.

Council was apprised by City Manager Graves of a third filing which has been made by P. G. & E. to the Federal Power Commission for an increase in the wholesale R-1 Rate to the six municipally-owned utilities in Northern California, which increase is to become effective August 23, 1976, and the ramifications such an increase would have on the City of Lodi.

THIRD P.G.&E.  
RATE INCREASE -  
THROUGH F.P.C.

A summary regarding the matter was presented for Council's scrutiny by Mayor Hughes. Mayor Hughes stated that "we" are not necessarily arguing the merit of the P G. & E. rate increase, what "we" are really concerned about is the actions of the Federal Power Commission which has allowed these rate increases to go into effect, and which are putting "Us" in an almost untenable position.

City Manager Graves stated that at the root of the whole thing is the different procedures followed by the California Public Utilities Commission and the Federal Power Commission.

Mayor Hughes apprised the Council that there is pending legislation sponsored by Congressman McFall which will require that the Federal Power Commission change its operational procedures and hold hearings and issue decisions before rates are put into effect.

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THIRD P.G.&.E.  
RATE INCREASE -  
THROUGH F.P.C.  
(Continued)

Mayor Hughes asked and received tacit Council concurrence to take whatever action is necessary to try to get the Federal Power Commission in line, to not have the F.P.C. consider this rate increase until they get their house in order and pass on previous rates, and until the competitive rates outside the area are brought in line. This according to Mayor Hughes, will allow time for the California Public Utilities Commission to act to get their rate increases through.

NLC  
CONFERENCE

Departure time for the National League of Cities Goals Conference was discussed.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hughes adjourned the meeting at 12:30 a.m., on motion of Councilman Pinkerton, Katnich second.

Attest:

*Alice M. Reimche*  
ALICE M. REIMCHE  
City Clerk